United Nations A/HRC/38/25

General Assembly

Distr.: General
17 May 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda items 2 and 5
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights bodies and mechanisms

Contribution of parliaments to the work of the Human Rights Council and its universal periodic review

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 35/29, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a study, in close cooperation with the Inter-Parliamentary Union and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Council at its thirty-eighth session, in order to provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights.

The present report focuses on the role of parliaments in the field of human rights and contains an analysis of responses to a questionnaire for parliaments sent by the Office of the United Nations High Commissioner for Human Rights to Member States, United Nations agencies and other stakeholders through a note verbale dated 16 November 2017, pursuant to Human Rights Council resolution 35/29. The report contains recommendations regarding the setting up of a parliamentary human rights committee and the strengthening of engagement with the international human rights mechanisms, especially the universal periodic review.

* Annexes are circulated as received in the language of submission only.

GE.18-08016(E)
1808016

Please recycle

I. Introduction

1. In its resolution 35/29, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a study, in close cooperation with the Inter-Parliamentary Union (IPU) and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Council at its thirty-eighth session.

2. In accordance with the resolution, OHCHR sent a note verbale dated 16 November 2017, inviting Member States to forward a questionnaire to their respective parliaments on parliamentary human rights-related structures and parliamentary engagement with United Nations human rights mechanisms, including the Human Rights Council and the universal periodic review. The questionnaire (see annex II) was also sent by the IPU Secretary General to the 178 Member Parliaments of IPU worldwide, in January 2018.

3. The present report, prepared in close cooperation with IPU, contains an analysis of responses to the questionnaire, with the aim of presenting existing good practices relating to the United Nations human rights mechanisms, including the universal periodic review. The draft principles on parliaments and human rights contained in annex I below and developed based on available research and OHCHR practice provide Member States with practical elements that, once further considered, including in consultation with members of parliamentary human rights committees, and adopted by an intergovernmental body, could serve as a guide and further strengthen the role of parliaments in the effective promotion and protection of human rights.

II. Third universal periodic review cycle and the emphasis on national implementation

4. The establishment of the Human Rights Council in 2006 and its universal periodic review mechanism have provided States Members of the United Nations with a unique platform to share their best practices, and to cooperate with each other to advance human rights, while ensuring non-selectivity, impartiality and objectivity. All 193 Member States have been reviewed twice as a part of the universal periodic review process and, on 1 May 2017, the third four-and-a-half-year review cycle began. The continued universal and high-level participation in the review reflects Member States' political willingness and commitment to pursue that human rights peer-to-peer dialogue on an equal footing and in a more cooperative context, with a strong focus on implementation and follow-up to accepted recommendations.

5. Universal periodic review recommendations have grown in number, and have become more focused, with about 200 recommendations typically being made to a country in the third cycle following interventions by, on average, 90 States. The substantive human rights issues contained in those recommendations often reflect the contents of recommendations from treaty bodies and special procedure mandate holders. Thus, universal periodic review recommendations represent a cross section of human rights gaps in implementation at the country level, both in law and in practice. They point to areas that need strengthening in order to bolster national human rights institutions and national capacities, foster resilience and create an environment conducive to addressing possible root causes of human rights violations. The systematic implementation of key recommendations may, therefore, also have a preventive effect, contributing to staving off triggers of violent conflict and humanitarian emergencies, as well as to lessening displacement and migration flows. It also ensures the success and sustainability of efforts to achieve the Sustainable Development Goals by anchoring them in the solid foundations of respect for human rights resulting from legal obligations and political commitments.

6. As stated by the Secretary-General, the United Nations will work to strengthen the relevance, precision and impact of the Human Rights Council's recommendations,

including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals (see A/72/1, para. 98). That point was also echoed in his remarks at the opening of the thirty-seventh session of the Council, on 26 February 2018, when he stated that it was imperative for the Council and the United Nations as a whole to focus much more on implementation and national follow-up. The Secretary-General called for streamlined ways to bring the outputs of the international human rights mechanisms systematically into overall United Nations action and all its efforts to support the achievement of the Sustainable Development Goals.

7. The emphasis on implementation was also one of the key outcomes of the annual high-level panel discussion on human rights mainstreaming, held in the afternoon of 26 February 2018, pursuant to Human Rights Council resolution 16/21, which had as its theme "Promotion and protection of human rights in the light of the universal periodic review mechanism: challenges and opportunities". The panel identified the need for strong coordination of implementation efforts at the national level, through national mechanisms for reporting and follow-up. The role of national human rights institutions and non-governmental organizations (NGOs) at the national and international levels was emphasized, as well as the importance of non-retaliation for any form of cooperation with United Nations human rights mechanisms. Discussions also focused on the need for stronger national mechanisms for reporting and follow-up, and for a better alignment of development and human rights efforts, and thus on the complementarity between the 2030 Agenda for Sustainable Development and the implementation of universal periodic review recommendations. The panel identified the review as a unique opportunity for countries to ground national development programmes and policies in human rights, and to move forward the 2030 Agenda, supported by the United Nations system at the national level, under the leadership of the United Nations Resident Coordinator and the international donor community.

8. That vision was also mentioned by the Secretary-General in his report on strengthening United Nations action in the field of human rights. In the report, the Secretary-General states that the increased focus on the follow-up and implementation of international human rights mechanisms' recommendations provides the United Nations system with an opportunity to engage with Member States (see A/72/351, para. 9).

9. As envisaged by the Human Rights Council, the responsibility for implementing universal periodic review recommendations lies primarily with the State under review and, where appropriate, with other relevant stakeholders. The international community assists with capacity-building and technical assistance, in consultation with, and with the consent of, the State concerned.

10. As stated by the Secretary-General, the success of States in their efforts to promote and protect human rights, with the support of the United Nations, will undoubtedly depend on national mechanisms for reporting and follow-up being in place to deal with the tasks of implementation of recommendations and reporting on these efforts and the impacts achieved in close cooperation and consultation with national stakeholders. Such mechanisms will also facilitate the task of the State to draw up comprehensive national human rights action plans and recommendation implementation plans. International cooperation, including through human rights mechanisms and their recommendations, provides an important basis for States to achieve greater results in both the implementation of the Sustainable Development Goals and human rights protection at the country level. Technical assistance in the field of human rights should be based on such recommendations and be provided in closer cooperation and partnership with Member States, regional human rights mechanisms, national human rights institutions, NGOs and the wider United Nations system (see A/72/351, paras. 83–84).

11. OHCHR emphasizes the importance of the active participation of parliaments in the follow-up process, as one of the key national stakeholders, also bearing in mind that more than 50 per cent of universal periodic review recommendations require or involve parliamentary action. The Secretary-General has stated that, while human rights are a cross-cutting issue that should be taken into account by all parliamentary committees, the

establishment of a parliamentary committee with an exclusive human rights mandate sends a strong political message and should be encouraged (see A/72/351, para. 35).

12. Section III of the present document addresses the growing international focus on the role of parliaments, elaborating upon their role in the promotion and protection of human rights. Section IV contains an analysis of responses to the questionnaire for parliaments sent pursuant to Human Rights Council resolution 35/29.

III. A growing international focus

13. Recognizing the important role of parliaments, the Human Rights Council has been exploring ways to improve their contribution to its work and its universal periodic review, in particular through its resolutions 22/15, 26/29, 30/14 and 35/29.

14. The Human Rights Council, in its resolution 30/14, decided to convene, at its thirty-second session, on the occasion of the tenth anniversary of the Council, a panel discussion to take stock of the contribution of parliaments to the work of the Council and its universal periodic review, and to identify ways to further enhance that contribution. The panel discussion was held on 22 June 2016. The summary report of the discussion (A/HRC/35/16) lists the following observations and recommendations, which were put forward at the end of the discussion:

(a) The need for parliamentarians to mainstream human rights international norms in their national legislation;

(b) The need for parliamentarians to identify adequate resources and expertise to enable them to become involved in the international human rights arena;

(c) The implementation of the Belgrade Principles on the relationship between national human rights institutions and parliaments,[1] and the important role to be played by civil society in support of parliaments in order to ensure the compliance of national legislation with international human rights norms and standards;

(d) While parliamentarians should be more proactive in their engagement in the work of the universal periodic review and other human rights mechanisms, the Council should also take into account where possible the work of parliaments in its deliberations and ensure their protection in the discharge of their mandate;

(e) The need for parliamentarians to actively participate in national mechanisms for reporting and follow-up and resulting national human rights action plans and to contribute to the implementation of recommendations for which legislative action is required;

(f) The need for parliamentarians to engage more proactively and systematically in the work of human rights mechanisms through a set of principles and guidelines;

(g) The need for parliaments, especially existing parliamentary human rights committees, to oversee human rights policies and actions by Governments, especially the implementation of recommendations resulting from the international human rights mechanisms.

15. In its resolution 35/29, the Human Rights Council acknowledged the crucial role that parliaments played in, inter alia, translating international commitments into national policies and laws, including by supporting the implementation of recommendations generated by the international human rights mechanisms, especially the recommendations supported by the State concerned in the framework of the universal periodic review, as appropriate, and hence their contribution to the fulfilment by each Member State of the United Nations of its human rights obligations and commitments, and to the strengthening of the rule of law.

[1] See https://nhri.ohchr.org/EN/Themes/Portuguese/DocumentsPage/Belgrade%20Principles%20Final.pdf.

16. In the same resolution, the Council encouraged States, in accordance with their national legal framework, to promote the involvement of parliaments in all stages of the universal periodic review reporting process through, inter alia, the inclusion of the national parliament as a relevant stakeholder in the consultation process for the national report, and in the implementation of supported recommendations by the State concerned, and to report on such involvement in their national reports and voluntary midterm reports, or during the interactive dialogue session of the universal periodic review. It also welcomes the increasingly widespread practice of States under review including parliamentarians in their national delegations participating in the universal periodic review, and encourages States to continue that practice, as appropriate.

17. As mentioned in the report of the Secretary-General on interaction between the United Nations, national parliaments and IPU (A/70/917), with the support and collaboration of OHCHR, IPU held four regional seminars for parliamentarians on the work of the Council and the universal periodic review process, namely in Bucharest, in February 2014, in Montevideo, in July 2014, in Rabat, in September 2014, and in Manila, in February 2015. A fifth such seminar was held in Nadi, Fiji, in November 2016. Parliamentarians from the respective regions were brought together at the seminars with a view to familiarizing them with the universal periodic review process, and identifying areas for their intervention and involvement. The seminars were a first step in the process of documenting good practices and challenges relating to parliamentary involvement in the work of the Council, and ways to replicate those good practices. The good practices discussed at the first four seminars were presented at a side event during the twenty-ninth session of the Human Rights Council.

IV. Role of parliaments in the promotion and protection of human rights

18. Parliaments are cornerstones of national human rights protection systems. In order to be effective, such systems require, as a minimum: (a) an independent judiciary; (b) law enforcement and corrections officers who work in accordance with international human rights standards; (c) a parliament that contributes to the application of international human rights obligations and that has an oversight function with respect to human rights; (d) an effective and independent national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); (e) systems for the protection of minorities and the most vulnerable groups; and (f) freedom for human rights defenders and media professionals to undertake investigative work.

19. Parliaments are instrumental in establishing and ensuring the proper functioning of such systems, laying the foundation for, and strengthening, the rule of law and its institutions, including the judiciary. They play a critical role in ensuring States' compliance with their international human rights obligations, and provide oversight regarding the functioning of government and national institutions mandated to promote and protect human rights.

20. From a legislative perspective, building legal and policy frameworks and ensuring that they comply with international and regional human rights norms is a key role for parliaments. Parliaments may also be charged with ratifying international and regional human rights treaties that have been signed by the executive, domesticating treaties once signed and withdrawing any reservations to such treaties.

21. However, it is not only through that legislative function that parliaments contribute to the respect for human rights. They also exercise oversight over the executive, including to ensure that it fulfils its role of respecting, protecting and promoting human rights, thus holding the Government accountable on behalf of the people. In order to do that effectively, parliamentarians need to be able to speak freely, without fear of reprisal.

22. The relationship of parliaments with national human rights institutions is also pivotal. Indeed, parliaments play a fundamental role in the creation and effective functioning of such institutions, in accordance with the Paris Principles and good practices,

and in the appointment of their members, a process that is a significant attribute of independence.

23. The Paris Principles, clearly elaborate upon the link between national human rights institutions and parliaments. In the Principles, it is stated that a national human rights institution should have the responsibility, inter alia: to submit to parliament opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; to promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation; and to encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation.

24. Parliaments should regularly interact with national human rights institutions, taking into account the Belgrade Principles, for example, by receiving reports on national human rights issues, developments and activities. Those can then be discussed in parliament, together with the recommendations of the national human rights institution, and can inform the legislative processes. Those interactions may also relate to the contents of draft bills or policies and their conformity with national and international human rights standards. As a part of the Belgrade Principles, national human rights institutions are also called on to develop a strong working relationship with the relevant specialized parliamentary committee, including, if possible and appropriate, through a memorandum of understanding. With regard to strengthening the links between parliaments and national human rights institutions, OHCHR will continue to build on its strategic tripartite partnership with the Global Alliance of National Human Rights Institutions and the United Nations Development Programme, in order to ensure that support is provided to parliaments with respect to any elements referred to in the present report.

25. When approving national budgets, parliaments need to bear in mind the human rights implications of their allocation of funds to institutions and activities. They should ensure that rights-based approaches are taken into account in the national budget, and that the national human rights infrastructure, including national human rights institutions, receives sufficient budgetary support.

26. A fundamental element of a vibrant democratic society is the relationship between parliament and civil society, whose work can help to strengthen parliament's oversight role. It is important that parliaments act as guardians of civil society participation, and put in place effective legislation to allow civil society to carry out its work. Parliamentarians can raise issues relating to human rights in the public arena, including issues identified through their interaction with civil society, thus helping to forge a national consensus on upholding human rights. Parliamentarians can show leadership in that regard and can champion the human rights situations of specific groups and victims of discrimination. They can also investigate alleged human rights violations through parliamentary inquiries, and can hold public hearings on human rights-related issues, or carry out on-site visits. Parliaments also have a key role to play in raising public awareness of important human rights issues through campaigns.

27. The role of parliaments in the promotion and protection of human rights at the national level can be greatly enhanced through their active and proactive engagement with all international and regional human rights mechanisms, including the universal periodic review of the Human Rights Council.

28. Parliaments are uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups, by ensuring oversight of the executive's primary responsibility for the implementation of human rights recommendations. As highlighted by the Secretary-General, parliaments can ensure transparency and accountability for States' human rights obligations and in following up and ensuring the implementation of recommendations by regional and international human rights mechanisms (A/72/351).

29. It should be noted that, within the context of the universal periodic review, more than 50 per cent of recommendations require or involve parliamentary action. Through its legislative and oversight functions, parliament can take action in a wide range of areas,

including the judiciary, law enforcement, prisons, human rights education in schools, non-discrimination, gender and national action plans.

30. Contributions by parliaments to international and regional human rights mechanisms can take different forms. Parliaments, in an independent manner, can regularly participate in the process of national consultations preceding the preparation of the national reports to be submitted to the Human Rights Council in the context of the universal periodic review, or to human rights treaty bodies, and in the consideration of the reports prior to their submission to international and regional mechanisms. Delegations sent to participate in the interactive dialogues can include parliamentarians. Parliament can also be presented with the Government's position on any universal periodic review recommendations received, for discussion prior to submission of the addendum to the outcome report of the Working Group on the Universal Periodic Review.

31. Parliamentarians can also play a leading role in the implementation and follow-up of recommendations made by United Nations human rights mechanisms and other regional mechanisms, for example, through the presentation, by the executive, of the universal periodic review outcome and the subsequent discussion thereof. In particular, parliaments have a fundamental role in calling for the establishment of a national mechanism reporting and follow-up, and could play an active part in the work of such a mechanism, and in ensuring an integrated approach to the reporting on, and the implementation of, human rights mechanisms' recommendations.

32. Similarly, parliaments have a significant role to play in calling for the development of a national human rights action plan for the implementation of recommendations, while also ensuring that such plans are based on thematically clustered recommendations from all international and regional human rights mechanisms, and are cross-linked to the Sustainable Development Goals. Parliamentarians can and should meet with representatives of human rights mechanisms, such as special rapporteurs, on country visits.

V. Survey on parliamentary human rights committees

33. In its resolution 35/29, the Human Rights Council requested OHCHR to prepare a study on how to promote and enhance synergies between parliaments and the work of the Human Rights Council and its universal periodic review. By way of follow-up, on 16 November 2017, OHCHR sent a questionnaire to Member States to gather information on parliamentary human rights committees. The questionnaire was also sent in January 2018 by the IPU Secretary-General to IPU Member Parliaments worldwide.

34. In total, 65 responses to the questionnaires were received (see annex III), mostly directly from parliaments (48), while others were sent by executive branches (7), national human rights institutions (7) and regional organizations (3). In the case of some countries, both the parliament and the executive replied, separately, while, with regard to other States, both the parliament and the national human rights institution responded separately. The total number of countries that responded was 56.

35. In total 35 of those 56 countries have a parliamentary human rights committee. Of those 35 countries, 17 belong to the Group of Western European and other States and the Eastern European Group, 5 to the Latin American and the Caribbean Group, 7 to the Asia-Pacific Group and 6 to the African Group. The responses show that most parliamentary human rights committees are established through parliamentary rules and regulations (25 responses), and that 15 have a foundation in the Constitution, with 4 responses showing a basis in national legislation.

36. The mandates of parliamentary human rights committees vary, although a common core set of responsibilities can be observed, including legislative initiative, review and amendment in the light of the international human rights obligations of the State, parliamentary oversight of the work of the executive in fulfilling its human rights obligations, parliamentary debates and hearings on human rights-related issues, engagement with national human rights institutions, and the provision of recommendations to the plenary of the parliament.

37. Although few in number, the replies received provide a useful overview of the current practices of parliamentary human rights committees throughout the world. More specifically, the following paragraphs provide an overview of responses concerning parliamentary human rights committees, by region, depicting common elements and highlighting specific country examples. The examples chosen do not reflect the full range of activities performed by the committees mentioned, nor does their selection imply that other parliamentary human rights committees do not have similar practices. The examples are mostly included to reflect certain good practices.

38. Responses relating to countries from the Group of Western European and other States and the Eastern European Group indicate that, in some countries, parliamentary human rights committees have a relevant national role, being involved in the examination of bills for compatibility with human rights, or in conducting inquiries into human rights-related matters. In Australia, for example, the Parliamentary Joint Committee on Human Rights ensures the appropriate recognition of human rights issues in legislative and policy development. Engagement with the international human rights mechanisms and responses in that regard are managed by the executive. The mandate of the Joint Committee does not cover the domestic consideration, follow-up and oversight of the implementation of recommendations and views of United Nations human rights mechanisms. In Cyprus, the Committee on Human Rights and on Equal Opportunities for Men and Women exercises parliamentary control over the executive to ensure the full and correct implementation of national law regarding human rights, and examines draft laws. However, the Committee has no direct contact or exchange with the international human rights mechanisms.

39. The majority of the replies from the Group of Western European and other States and the Eastern European Group show the consistent involvement of parliamentary human rights committees in processes relating to the international human rights mechanisms. In Canada, the Standing Senate Committee on Human Rights may seek an order of reference from the Senate to study a particular human rights issue, and may also undertake studies of human rights matters under its general order of reference. The general order authorizes it to study issues relating to human rights and, inter alia, to review the machinery of Government dealing with the international and national human rights obligations of Canada. The Committee may also make recommendations to the Government regarding the issues, recommendations and questions that it believes the Government should raise during universal periodic review sessions. In the response to the questionnaire, it was stated that the Government normally responded to the Committee's recommendations, but that they were not binding. Finally, the Committee may issue a report and make recommendations to the Government based on information received from the international human rights mechanisms. In Croatia, the Committee on Human and National Minority Rights follows up and addresses issues within the framework of the universal periodic review process, both in the report preparation phase and in the implementation of review recommendations. In Germany, the Committee on Human Rights and Humanitarian Aid of the Bundestag regularly informs the Federal Government of its position on matters discussed by the international human rights mechanisms, and asks it to communicate the Committee's stance during those mechanisms' discussions. It also regularly receives reports from the Federal Government and other bodies on the human rights situation in Germany, the European Union and individual countries around the world. In Georgia, the Human Rights and Civil Integration Committee examines the reports presented by the Government to the United Nations treaty bodies and the universal periodic review. The Government also submits a report on the implementation of review recommendations. The Committee follows up on the recommendations received by the State through legislative reforms or the passing of laws. The Committee also participates in the national mechanism for reporting and follow-up. Following the second universal periodic review of Italy, the Senate Special Committee on the Protection of Human Rights held several briefings with the Chair of the Interministerial Committee for Human Rights, who was part of the universal periodic review State delegation. The briefings focused on the stages of the review process and the substance of the recommendations received by Italy. The Committee also heard from civil society organizations that were involved in the review. The Committee on Human and Minority Rights and Gender Equality of the National Assembly of Serbia also organized a briefing on the review recommendations received by the State, as did the Committee on

Human Rights and Freedoms of the Parliament of Montenegro. In the United Kingdom of Great Britain and Northern Ireland, the Joint Committee on Human Rights monitors the Government's fulfilment of its international human rights obligations, for example, reporting on the State's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and refers in its legislative scrutiny work to the relevant treaty body and universal periodic review recommendations. Joint Committee staff also regularly attend the meetings of the Treaty Monitoring Working Group convened by the Equality and Human Rights Commission (the national human rights institution).

40. In its response to the questionnaire, the Parliament of the United Kingdom stated that the ways in which individual parliaments consider human rights are closely related to their constitutions and legal frameworks. It emphasized parliamentary autonomy, and the fact that the Government of the United Kingdom is accountable to Parliament, and not vice versa.

41. In terms of engagement with the international human rights mechanisms, replies from countries belonging to the Group of Western European and other States and the Eastern European Group show that 13 out of 17 parliamentary human rights committees meet with visiting special procedure mandate holders of the Human Rights Council. With regard to the participation of parliamentary human rights committees in government delegations to the treaty bodies or the universal periodic review, the parliamentary human rights committee of Georgia takes part in government delegations to treaty bodies and the universal periodic review, while those of Serbia and Andorra only take part in delegations to treaty bodies (in the case of Andorra, as an observer).

42. The majority of the responses from the Latin American and the Caribbean Group countries suggest that the role of parliamentary human rights committees is defined within the context of the national legislative process, where recommendations may be taken into account in the discussion and drafting of national legislation. Based on the responses to the questionnaire, the only parliamentary human rights committee to participate in the universal periodic review and the Human Rights Council as a part of the delegation of its Government is that of Honduras. Only the Bolivarian Republic of Venezuela and Mexico indicated that their parliamentary human rights committees were involved in the national mechanism for reporting and follow-up.

43. The parliamentary human rights committees of Mexico and Colombia also took part in the development or monitoring of a national human rights action plan. The Commission on Human Rights and Hearings of the Congress of Colombia also developed monitoring matrices.

44. Of the responses received, four out of five confirmed that parliamentary human rights committees interacted with visiting special procedure mandate holders or United Nations officials.

45. Responses relating to the Asia-Pacific Group show a link with the international human rights mechanisms. Commission III (Law and Legislation, Human Rights and Security Affairs) of the Indonesian parliament, and the Social Justice and Human Rights Committee of the parliament of Nepal oversee their respective Governments' treaty obligations and political commitments made within the context of the universal periodic review. Both replies received in that regard also stated that the bodies in question follow up recommendations received by their respective States. The reply of the Standing Committees on Human Rights of both houses of the Parliament of Pakistan shows that the Standing Committees deal with all the issues of implementation, monitoring and reporting relating to ratified international human rights treaties, and follow up the recommendations received by the State. The Standing Committees also work in close coordination with the national human rights institution.

46. The Social Justice and Human Rights Committee of the parliament of Nepal stated that it provides input into the Government's position before intergovernmental bodies, in particular the Human Rights Council.

47. The parliamentary human rights committees of Bahrain, Indonesia and Pakistan participate in the work of the respective national mechanisms for reporting and follow-up. The parliamentary human rights committees of Indonesia, Nepal and Pakistan also play a role in the implementation of those countries' national human rights action plans.

48. As a part of its legislative function, the Consultative Council of Bahrain takes the recommendations of the international human rights mechanisms into account, and also participates in the national mechanism for human rights reporting and follow-up. The Consultative Council also contributes to the Government's universal periodic review recommendations, and participates in the review, although not as part of the delegation.

49. Four out of the five respondents from the Asia-Pacific region indicated that their respective parliamentary human rights committees met with visiting special procedure mandate holders. According to the responses, direct involvement of committees in government delegations to the treaty bodies or the universal periodic review is not common practice, except in the case of the Standing Committees for Human Rights of the Parliament of Pakistan.

50. Responses from the African Group countries show a majority of parliamentary human rights committees with a strong role with regard to international human rights mechanisms. The parliamentary human rights committees of Cameroon, the Sudan and Togo contribute to their respective Governments' recommendations in the context of the universal periodic review.

51. Participation in universal periodic review government delegations does not seem to be widespread among African Group respondents, only occurring in the cases of the Sudan and Togo. The President and the Rapporteur of the parliament's Human Rights Commission were part of the government delegation attending the most recent review. The Commission also participates in preparatory, national-level meetings on the universal periodic review.

52. At the national level, the parliamentary human rights committees of the African countries that responded seem to have a more defined role. Five out of six committees follow up on recommendations received by the State, five participate in the national mechanism for reporting and follow-up and four are involved in the implementation and monitoring of a national human rights action plan.

53. The parliamentary human rights committee of Togo may conduct field visits to monitor the human rights situation in the country. The Standing Committee on Justice, Legal Affairs and Human Rights of the Senate of Kenya receives annual reports from the Kenya National Commission on Human Rights (the national human rights institution).

54. In his 2017 report on strengthening United Nations action in the field of human rights (see A/72/351, paras. 35–37), the Secretary-General of the United Nations stated that, at the national level, parliaments played a crucial role in the promotion and protection of human rights as legislators and as overseers. They laid the foundation for the rule of law and the respect for and protection of human rights at the national level. Parliaments could ensure transparency and accountability for States' human rights obligations and in following up and ensuring the implementation of recommendations by regional and international human rights mechanisms. While human rights were a cross-cutting issue that should be taken into account by all parliamentary committees, the establishment of a parliamentary committee with an exclusive human rights mandate sent a strong political message and should be encouraged. He stressed that parliaments were uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups, by ensuring the implementation of human rights recommendations. Lastly, he encouraged a more proactive engagement of parliamentarians in the work of international human rights mechanisms, including through the development of a set of principles and guidelines that would assist and guide them.

55. The questionnaire sent in November 2017 included a question on the development, by the United Nations, of international principles on parliaments and human rights, taking into account the Paris Principles or the Basic Principles on the independence of the Judiciary. The responses to the questionnaire show support for the development of such

principles from 24 out of the 35 respondents with a parliamentary human rights committee. As to the question on the relevance of additional information tools or focused seminars on international human rights issues relevant to parliaments, organized in-country by OHCHR/IPU or other United Nations entities, 29 respondents were supportive in that regard. This demonstrates that there is a need, and a demand, for measures designed to: reduce the information and knowledge gap with respect to United Nations human rights mechanisms and procedures; and further strengthen the oversight role of parliamentary human rights committees relating to executive branches' primary responsibility for the promotion and protection of human rights.

VI. Conclusions

56. **Parliaments are essential human rights actors and play a crucial role in the promotion and protection of human rights, primarily through their oversight of Governments' human rights actions and policies, as well as their involvement in the international human rights mechanisms, in particular the universal periodic review. They are instrumental in establishing and ensuring a well-functioning national human rights protection system, laying the foundation for and strengthening the rule of law and its institutions, including the judiciary, and acting as guardians of the important role of civil society organizations. They have direct links with grass-roots organizations and individuals, as well as with national human rights institutions, through which human rights developments and concerns can be directly fed into the legislative and oversight roles of parliaments. Parliaments are thus uniquely positioned to contribute to closing the implementation gap, to prevent violations of human rights and to ensure better protection, especially of vulnerable groups.**

57. **The role of parliaments at the national level in the promotion and protection of human rights can be greatly enhanced through their active and proactive engagement with the international and regional human rights mechanisms, including the Human Rights Council, its universal periodic review mechanism and special procedures and the human rights treaty bodies. Parliaments may communicate their concerns and observations to the international and regional human rights mechanisms, and receive treaty body members or special procedure mandate holders when they visit the country. Parliamentarians may participate in the process of national consultations preceding the preparation of the national reports to be submitted to the Council in the context of the universal periodic review, or to human rights treaty bodies, as well as in the consideration of the reports prior to their submission to the international and regional mechanisms. Delegations sent to participate in universal periodic review and treaty body interactive dialogues could also include parliamentarians.**

58. **In order to promote and enhance synergies between parliaments and the work of the Human Rights Council, it is important for the Council to encourage States to promote the involvement of parliaments at all stages of the universal periodic review reporting process. The Council could also systematically recommend that States report on such involvement in their national universal periodic review reports and voluntary midterm reports, or during the interactive dialogue session of the review.**

59. **Parliaments therefore serve as a nexus between the international and national human rights arenas, providing as one of the principal channels through which the international and regional human rights mechanisms' recommendations reach the national level, in particular in their legislative, budget allocation and oversight roles. Within the context of the universal periodic review, more than 50 per cent of recommendations require or involve parliamentary action.**

60. **Parliaments have a fundamental part to play in calling for the establishment of a national mechanism for reporting and follow-up, in taking an active part in such a mechanism, should they be so willing, and in ensuring an integrated approach to the reporting and implementation of human rights mechanisms' recommendations. Similarly, parliaments have a significant role to play in calling for and ensuring the**

development of national human rights action plans for the implementation of recommendations.

61. As mentioned in the report of the Secretary-General on interaction between the United Nations, national parliaments and IPU, parliamentarians will have an extremely important role to play in the implementation of the 2030 Agenda. They will need to adopt or amend legislation, allocate a specific budget for implementation, exercise oversight over the executive branch for compliance and promote regional and international cooperation in support of implementation (see A/70/917, para. 7). By ensuring that those efforts are cross-linked to the recommendations of the international and regional human rights mechanisms, parliaments will contribute to better aligning national implementation efforts relating to human rights, development and the Sustainable Development Goals.

62. Parliamentary information on the implementation of recommendations by the executive, or through its own parliamentary initiatives, as well as on challenges encountered and results achieved, may then be channelled back into international human rights system, including through national reports for the universal periodic review cycle. The accurateness of this information will contribute to ensuring the accuracy and usefulness of recommendations emanating from the international and regional human rights mechanisms, in turn facilitating, and increasing the likelihood of, their implementation.

63. Those efforts may be enhanced and streamlined through the establishment of a permanent parliamentary human rights committee. Key responsibilities of such a committee could include:

(a) Encouraging the ratification of, or accession to, international and regional human rights instruments;

(b) Introducing and reviewing bills and existing legislation to ensure compatibility with international human rights obligations, and proposing amendments when necessary;

(c) Leading the parliamentary oversight of the work of the Government in fulfilling its human rights obligations, and political commitments made before international and regional human rights mechanisms;

(d) Providing human rights-related information to parliamentarians during debates on legislation, policy or government actions;

(e) Reviewing draft national budgets from the perspective of their implications for the enjoyment of human rights;

(f) Ensuring that development assistance and cooperation funds support the implementation of recommendations from international and regional human rights mechanisms in countries recipients of such funds;

(g) Calling for the preparation of a national human rights action plan and overseeing its implementation;

(h) Engaging and consulting with the national human rights institution and civil society representatives on human rights issues, developments, concerns and cases;

(i) Leading parliamentary action in response to national human rights developments and issues, including through legislative initiatives, parliamentary inquiries, public hearings, public debates and the issuing of reports on national human rights issues and developments;

(j) Holding public hearings, requesting information and documentation, summoning and hearing witnesses, providing reports and recommendations to the plenary of the parliament, and initiating parliamentary debate on its reports or subjects of its choosing;

(k) Conducting training and awareness-raising of parliamentarians on human rights-related issues;

(l) Participating in the national consultations held in preparation for, and during the process of, the drafting of reports to the international and regional human rights mechanisms;

(m) Reviewing and commenting on the draft reports that the State is required to submit to the international and regional human rights mechanisms, such as the universal periodic review;

(n) Participating in the universal periodic review and in sessions of the treaty bodies, either as part of the government delegation or separately;

(o) Participating, through a designated focal point, in the national mechanism for reporting and follow-up, and ensuring that recommendations of international and regional human rights mechanisms that require legislative reform, the adoption of new laws, or budgetary adjustments are identified and given priority consideration;

(p) Leading the parliamentary oversight of the work of the Government in implementing recommendations of international and regional human rights mechanisms; and

(q) Meeting separately from the Government with special procedure mandate holders of the Human Rights Council, treaty body members, or United Nations officials dealing with human rights and regional human rights bodies when they conduct a country visit.

64. OHCHR, in partnership with IPU and the United Nations system, under the leadership of the United Nations Resident Coordinator, where available, stands ready to further support Governments in enhancing synergies between parliaments and the work of the Human Rights Council, especially the universal periodic review, and in strengthening their interaction towards the effective promotion and protection of human rights.

Annex I

Draft Principles on Parliaments and human rights[1]

Acknowledging the crucial role of parliament in ensuring Government's compliance with its international human rights obligations and in translating these into national legislation and policies;

Recognizing that parliament's main functions of, inter alia, ratifying human rights treaties, scrutinizing legislation and overseeing the work of the executive in fulfilling its human rights obligations, are crucial in order to support and ensure the Government's own primary responsibility for the promotion and protection of human rights;

Recognizing parliament's fundamental role in the creation and maintenance of effective functioning of bodies and institutions for the promotion and protection of human rights, as well as in considering and approving national budgets bearing in mind human rights implications;

Recognizing the significant contribution that parliament can make in connection with the work of international and regional human rights mechanisms, including the Universal Periodic Review (UPR);

Taking note of General Assembly resolutions 65/123, 66/261, 68/272 and 70/298, which welcome the contribution of parliaments to the work of the Human Rights Council (HRC);

Taking note of Human Rights Council resolutions 22/15, 26/29, 30/14 and 35/29 on the contribution of parliaments to the work of the HRC and its UPR;

Taking also note of General Assembly resolution 48/134 (Paris Principles) in enhancing the effective functioning of national human rights institutions as well as the Belgrade Principles on the relationship between national human rights institutions and parliaments;

Acknowledging the leading role of parliament in supporting and overseeing the implementation of recommendations made through the UPR mechanism as well as by other international and regional human rights mechanisms, and hence their contribution to the strengthening of the rule of law;

Recognizing that in order to strengthen their role in the promotion and protection of human rights, parliament should consider the establishment of a permanent internal committee dedicated to leading and coordinating these tasks.

The following Principles should guide parliaments in the setting up of parliamentary human rights committees, as well as in ensuring their effective functioning.

Mandate

1. A parliamentary human rights committee shall be given as broad a mandate as possible, covering all human rights as defined in national and international law. The mandate of the parliamentary human rights committee shall also provide clear terms of reference setting out its purpose and goals.

Responsibilities and Functions

2. A parliamentary human rights committee shall, inter alia, have the following responsibilities:

[1] Developed based on available research and OHCHR practice.

(a) To encourage the ratification of or accession to international and regional human rights instruments;

(b) To introduce and review bills and existing legislation to ensure compatibility with international human rights obligations and propose amendments when necessary;

(c) To lead the parliamentary oversight of the work of the Government in fulfilling its human rights obligations, as well as political commitments made in international and regional human rights mechanisms;

(d) To provide human rights related information to members of parliament during debates on legislation, policy or government actions;

(e) To review draft national budgets from the perspective of the implications on the enjoyment of human rights;

(f) To ensure that development assistance and cooperation funds support the implementation of recommendations from international and regional human rights mechanisms in countries recipient of such funds;

(g) To call for the elaboration of national human rights action plan and oversee its implementation;

(h) To engage and consult with the national human rights institution and civil society representatives on human rights issues, developments, concerns and cases;

(i) To lead parliamentary action in response to national human rights developments and issues, including through legislative initiatives, parliamentary inquiries, public hearings, public debates, and the issuing of reports on national human rights issues and developments;

(j) To hold public hearings, request information and documentation, summon and hear witnesses, provide reports and recommendations to the plenary of the Parliament, and initiate Parliamentary debate on its reports or subjects of its choosing;

(k) To conduct training and awareness raising of parliamentarians on human rights-related issues.

3. A parliamentary human rights committee shall, inter alia, have the following roles regarding the international human rights system:

(a) To participate in the national consultations held in preparation of and during the drafting process of reports to the international and regional human rights mechanisms;

(b) To review and comment on the Government draft reports which the State is required to submit to the international and regional human rights mechanisms, such as the universal periodic review;

(c) To participate in the UPR and in sessions of the treaty bodies, either as part of the Government delegation or on its own;

(d) To participate, through a designated focal point, in the national mechanism for reporting and follow-up, and ensure that recommendations of international and regional human rights mechanisms that require legislative reform, the adoption of new laws, or budgetary adjustments are identified and given priority consideration;

(e) To lead the parliamentary oversight of the work of the Government in implementing recommendations of international and regional human rights mechanisms;

(f) To meet separately from the Government with special procedure mandate holders of the Human Rights Council, treaty body members, or UN officials dealing with human rights and regional human rights bodies when they conduct a country visit.

Composition and working methods

4. A parliamentary human rights committee shall be comprised of members of Parliament with human rights expertise, having due regard to the principle of pluralism, non-partisanship, respect for all human rights, and gender-balance;

5. A parliamentary human rights committee shall develop and publish terms of reference to define, inter alia, its working methods, the frequency of its meetings, its quorum, a procedure for agenda setting, means of communication, involvement in other fora such as the national mechanisms for reporting and follow-up, secretariat services, and modalities of consultations with stakeholders such as the national human rights institution, civil society or individuals;

6. A parliamentary human rights committee shall be transparent in its operations, including decision making. It shall publicise its work and hold hearings in public, except where there is a clear, stated and justifiable reason not to do so;

7. A parliamentary human rights committee shall be provided with sufficient financial and human resources by the Parliament to enable it to carry out its functions effectively;

8. A parliamentary human rights committee shall have access to external independent human rights advice, as required, including from the national human rights institution, legal professionals with expertise in human rights, academic experts, representatives of civil society organizations, international or regional organizations, or other relevant professionals with expertise in the area;

9. A parliamentary human rights committee should conduct its work in such a way as to provide opportunities for meaningful civil society participation.

Annex II

Questionnaire

Background: United Nations Human Rights Council resolution 35/29 requested the Office of the High Commissioner for Human Rights to prepare a study, in close cooperation with the Inter-Parliamentary Union, and in consultation with States, United Nations agencies and other relevant stakeholders, on how to promote and enhance synergies between the parliaments and the work of the Human Rights Council and its universal periodic review, and to present it to the Human Rights Council at its thirty-eighth session, in order to provide States and other relevant stakeholders with elements that could serve as orientation to strengthen their interaction towards the effective promotion and protection of human rights.

1. Does your Parliament have a specialized committee that deals solely with human rights? Is the committee human rights-specific or does it also cover other related questions (gender, legal, constitutional affairs, etc.)?

2. Does it have "human rights" in its name?

3. What are the committee's functions? Does it deal with international or national human rights issues?

4. If it deals with international human rights issues:

(a) Does it take into account the information country by country available in OHCHR Universal Human Rights Index? (www.ohchr.org)

(b) Does it contribute to UN human rights Treaty Bodies (such as the Committee on the Rights of the Child, CERD, CEDAW, etc.) discussions for the countries of interest?

(c) Does it contribute to the recommendations made by the Government during the HRC Universal Periodic Review sessions in Geneva?

(d) Does it participate in UPR/TB meetings in Geneva as part of Government delegations or on their own?

(e) Does it meet with UN independent human rights experts (also known as Special Rapporteurs or Working Groups or Special Procedures Mandate Holders), or OHCHR or UN officials on human rights related concerns?

(f) Does it make an input into Government's position in intergovernmental bodies, in particular the UN General Assembly Third Committee and the Human Rights Council?

(g) Does it receive regular information on international human rights issues and developments pertaining to the human rights situation in the countries it is interested in?

5. If it deals with national human rights issues:

(a) Does it oversee the responsibility of the executive for its legal obligations (following the ratification of treaties) or political commitments made following the UPR?

(b) Does it communicate its concerns to relevant UN human rights mechanisms?

(c) Does it participate as part of the Government delegation or on its own in UN human rights meeting in Geneva (HRC UPR/TB)?

(d) Does it meet with visiting SPMHs or UN officials dealing with human rights issues?

(e) Does it follow up to recommendations received by the State that involve either legislative reform or to the passing of laws?

(f) Does it participate in national coordination mechanisms for comprehensive reporting and follow up to human rights recommendations set up by the executive?

(g) Does it play a role in the implementation of national actions plans for human rights or in overseeing Government's policies and action to that end?

(h) Does it receive and process individual complaints?

6. If such a Committee exists:

(a) What is the composition of (in terms of representation by gender, minorities, or opposition parties)? Does it include staff with technical expertise in international human rights law?

(b) What is the statute/mandate/budget of such a committee? How has it been created? Is it in the constitution, a law, the Parliament by-laws, a resolution?

(c) Is it aware of UN HRC/GA action concerning the role of Parliament in human rights, especially the HRC UPR?

(d) Is it aware of OHCHR/IPU publications on HR?

(e) Is it aware of the UN Secretary-General report A/72/351 on where the important role of parliaments in human rights is emphasised in para 35-37 (see Annex below) that also refers to the desirability of international principles on Parliaments and HR?

(f) Would it be favourable to the development of international principles on Parliaments and HR by the UN taking into account those for the independence and effectiveness of NHRIs (GA res 48/134 annex) or those for the independence of the judiciary (GA res 40/146)?

(g) Would it consider relevant additional information tools or focussed seminars on international human rights issues relevant to Parliaments organized by OHCHR/IPU or other UN entities in-country?

Annex III

Replies to the questionnaire

African Group

Parliament	*National human rights institution*	*Permanent Mission Executive*
Cameroon, Kenya, Mauritius, Namibia, the Sudan, Zambia, Zimbabwe		Togo

Asia-Pacific Group

Parliament	*National human rights institution*	*Permanent Mission Executive*
Bahrain, Hong Kong, Special Administrative Region of China, Indonesia, Japan, Myanmar, Pakistan, Qatar, Saudi Arabia	India, Nepal, the Philippines	

Eastern European Group

Parliament	*National human rights institution*	*Permanent Mission/ Executive*
Croatia, Czechia, Hungary, Latvia, the former Yugoslav Republic of Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, Ukraine	Slovakia	Georgia, Slovenia

Latin American and the Caribbean Group

Parliament	*National human rights institution*	*Permanent Mission Executive*
Chile, Colombia, Ecuador, Mexico, the Bolivarian Republic of Venezuela	Mexico	Honduras

Group of Western European and other States

Parliament	*National human rights institution*	*Permanent Mission/ Executive*
Andorra, Austria, Belgium, Cyprus, Denmark, Germany, Greece, Israel, Italy, Luxembourg, Malta, the Netherlands, Norway, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland	Greece, the United Kingdom of Great Britain and Northern Ireland	Australia, Canada, Germany

Regional and subregional parliamentary groups

Central American Parliament, Latin American and Caribbean Parliament, Parliamentary Assembly of the Council of Europe